



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

February 3, 1998

### **S. 191**

#### **An act to throttle criminal use of guns**

*As passed by the Senate on November 13, 1997*

CBO estimates that enacting S. 191 would result in additional costs to the federal government to accommodate prisoners for longer periods of time. We estimate that these costs would be negligible for fiscal years 1998 through 2003. Enacting S. 191 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 191 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would have no impact on the budgets of state, local, or tribal governments.

Current law provides for a mandatory minimum of five years in prison for "using or carrying" a firearm during the commission of a federal crime of violence or a federal drug trafficking crime. (This penalty would be in addition to any prison time received for the underlying offense.) S. 191 would clarify current law to apply the mandatory five-year minimum to "possession" of a firearm while committing a federal crime of violence or a federal drug trafficking crime. In addition, the act would increase the mandatory minimum sentence to 10 years for discharging a firearm during the commission of such offenses. Further, S. 191 would increase the mandatory minimum sentence from 20 to 25 years for second or subsequent commissions of such crimes involving firearms.

According to the U.S. Sentencing Commission, the act's provisions would probably affect about 25 cases per year. Because the act would apply to a small number of convicted felons who would serve lengthy sentences under current law, any increased costs over the next five years would not be significant. The full budgetary effects of S. 191 would not be realized until after 30 years, when the additional prison population resulting from this act would stabilize at roughly 100 prisoners. Assuming no significant change in the number of annual convictions, the cost to the prison system on a long-term basis would total about \$1 million annually (in 1998 dollars), subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Mark Grabowicz. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.